

PROB 12B  
(7/93)

**United States District Court**  
**for**  
**District of New Jersey**  
**Request for Modifying the Conditions or Term of Supervision**  
**with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Joseph Nardone, Sr.

Cr. No. 03-00327-001

Name of Sentencing Judicial Officer: THE HONORABLE JOSE L. LINARES

Date of Original Sentence: July 8, 2005

Original Offense: Conspiracy to Commit Embezzlement

Original Sentence: 12 months and one day custody; 2 years supervised released

Type of Supervision: Supervised Release

Date Supervision Commenced: 07/05/06

**PETITIONING THE COURT**

- [ ] To extend the term of supervision for        Years, for a total term of        Years.  
[X] To modify the conditions of supervision as follows. The addition of the following special condition(s):

In addition to the current restitution payment schedule set by the court in the amount of \$5,000.00 per month, the defendant shall pay restitution at the rate of 10% of the gross distributions he receives from Caven Haven Incorporated, until such time as the court alters the payment schedule in the interests of justice. Furthermore, distributions from Caven Haven Incorporated will be made no less than on a semi-annual basis. The U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay.

**CAUSE**

Defendants Nardone and Rothman, along with others, own "Caven Haven," which consists of commercial property in New Jersey. This property is currently generating rental income to the company in the amount of \$19,000 monthly, which at present, is being held in an escrow account. We maintain the position that Nardone and Rothman should each take a return of their capital investment or gain from these funds proportionate to their ownership in Caven Haven. Furthermore, we contend that 10% of these disbursements should be submitted toward their restitution obligations in addition to their current Court ordered monthly payments. Both Nardone and Rothman have agreed to this modification request and signed the appropriate waiver of hearing forms.

Respectfully submitted,

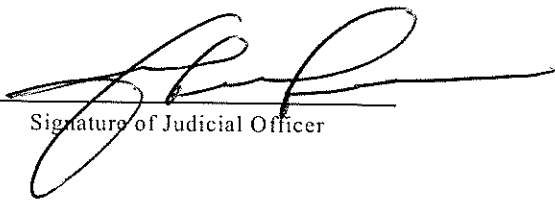
By: Donald L. Martenz, Jr.  
Senior U.S. Probation Officer  
Date: June 27, 2007

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Joseph Nardone, Sr.

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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above  
☐ The Extension of Supervision as Noted Above  
☐ No Action  
☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

7-5-07

\_\_\_\_\_  
Date